

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated February 8, 2006, having a shortened statutory period for response set to expire on March 8, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-27, 46-54, 56 and 57 remain pending in the application and are shown above. Claims 1-27, 46-54, 56 and 57 are subject to restriction and/or election requirement. Applicant elects Group I, claims 1-27 with traverse. Reconsideration of the rejected claims is requested for reasons presented below.

The Examiner states that Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-27, drawn to a product described as a surface imprint composition, classified in 435, 6, DIG 22.

II. Claims 46-54, 56 and 57, drawn to a method for capturing molecules, classified in 435, 7.1, DIG 2.

The Examiner also states that the inventions are distinct, each from the other because Inventions I and II are related as product and process of use and the inventions can be shown to be distinct, e.g., in the instant case, the process of using the product as claimed can be practiced with another materially different product (e.g., compositions containing cavities that were chemically synthesized without the use of imprinting). The Examiner further states that these inventions have acquired a separate status in the art as shown by their different classification and/or divergent subject matter, and the different methods and products would require completely different searches in both the patent and non-patent databases, creating an undue search burden for the Examiner and requiring restriction for examination purposes.

Applicant respectfully traverses this restriction requirement. Applicant submits that elected claim Group I is drawn to a subcombination of the elements of claims 46-54, 56 and 57 of Group II. In addition, claims 46-54 of Group II include all elements of claim 1. Applicant respectfully points out that claims 46-54 of Group II recite the surface imprint composition of claim 1 and cannot be practiced by another materially different

product, other than the surface imprint composition of claim 1. Furthermore, claims 46-54 of Group II refer to the same subject matter of the surface imprint composition of claim 1 as claims 1-26 of Group I; for example, claims 46-54 of Group II and claim 1-26 of Group I recite the surface imprint composition of claim 1, including a matrix material defining imprint cavities of a template molecule wherein a substantial fraction of the imprint cavities are localized at or near the surface of the matrix material.

Therefore, Group I and Group II are not distinct. Accordingly, withdrawal of the restriction requirement is respectfully requested.

The Examiner states that this application contains claims directed to patentably distinct species of the claimed invention for Groups I and II and Election of Species is required. The Examiner also states that, if Applicant elects the invention of Group I, Claim 1 is generic and Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner further states that Applicant is required to elect from the following patentably distinct species.

Subgroup 1: Species of matrix material (e.g., see claims 1 and 3). The Examiner states that the Applicant must elect, for the purposes of searching, a single species of matrix material (e.g., polystyrene). Applicant must further elect a monomer that is being polymerized, e.g., styrene (see claim 3). Applicant must also indicate whether said matrix material is a heat-sensitive compound (see claim 4) and, if so, elect a specific heat-sensitive compound e.g., agarose (see claim 5).

Subgroup 2: Species of template molecule (e.g., see claims 1 and 10). The Examiner states that the Applicant must elect, for the purposes of searching, a single species of template molecule, e.g., oligosaccharide (see claim 10). In addition, Applicant must further elect the length of the template, e.g., 4 amino acids (e.g., see claim 11, see also claim 56). Applicant must further indicate whether said peptide constitutes the N-terminus or C-terminus of the peptide (e.g., see claim 16).

Subgroup 3: Species of macromolecule (e.g., see claims 1 and 10). The Examiner states that the Applicant must elect, for the purposes of searching, a single species of macromolecule, e.g., peptide (e.g., see claim 10).

Subgroup 4: Species of array (*e.g.*, see claims 24-26). The Examiner states that the Applicant must elect, for the purposes of searching, a single species of array (*e.g.*, 1D, 2D, 3D).

Subgroup 5: Species of cavities (*e.g.*, see claim 27). The Examiner states that the Applicant must elect, for the purposes of searching, a single species of cavities (*i.e.*, oriented or not).

The Examiner also states that Applicant must disclose which claims read on the elected species. The Examiner further states that the species are distinct, each from the other, because their structures, modes of action, their reactivity, their classification, and the starting materials from which they are made are different, thus, creating an undue search burden. Applicant respectfully traverses this species restriction requirement.

Applicant elects with traverse the acrylamide of Subgroup 1 as the elected species of a matrix material for prosecution on the merits. Applicant respectfully submits that claims 1-27 are generic claims readable on the elected species of the acrylamide recited in claim 3 because the disclosed acrylamide is a matrix material, as recited in claims 1-27. As requested by the Examiner, Applicant also elects with traverse a heat-sensitive compound in Subgroup 1 as the matrix material, which is recited in claims 1-27. As also requested by the Examiner, Applicant further elects with traverse a hydrogel in Subgroup 1 as a specific heat-sensitive compound of the matrix material, which is recited in claims 1-27. Accordingly, claims 1-27 are readable upon the elected species of the matrix material because claims 1-27 recite a matrix material. Withdrawal of the restriction requirement is respectfully requested.

Applicant elects with traverse the peptide in Subgroup 2 as the elected species of a template molecule for prosecution on the merits. Applicant respectfully submits that claims 1-27 are generic claims readable on the elected species of peptide recited in claims 11-15 because the disclosed peptide is a template molecule, as recited in claims 1-27. As requested by the Examiner, Applicant also elects with traverse a length of 7 amino acid as the length of the template molecule, as recited in claims 1-27. However, Applicant respectfully points out that a range of lengths are claimed, specifically recited in claims 13-15, and a single length of the template molecule is not recited in any claims. Applicant further traverses the election of whether the peptide constitutes the N-

terminus or C-terminus of the peptide because it was not recited in the claims. Specifically, claim 16 recites the macromolecule is a polypeptide and the template molecule is a peptide, wherein the portion of the polypeptide comprises the C-terminus of the polypeptide. Thus, the C-terminus of the polypeptide refers to the macromolecule, not the template molecule. Accordingly, claims 1-27 are readable upon the elected species of the template molecule because claims 1-27 recite a template molecule. Withdrawal of the restriction requirement is respectfully requested.

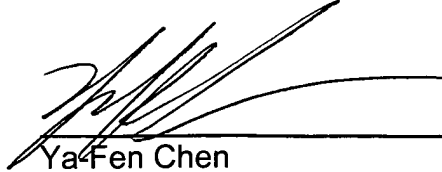
Applicant elects with traverse the polypeptide in Subgroup 3 as the elected species of a macromolecule for prosecution on the merits. Applicant respectfully submits that claims 1-27 are generic claims readable on the elected species of the polypeptide recited in claims 10-16 because the disclosed polypeptide is a macromolecule, as recited in claims 1-27. Accordingly, withdrawal of the restriction requirement is respectfully requested.

Applicant elects with traverse the two-dimensional array in Subgroup 4 as the elected species of an array for prosecution on the merits. Applicant respectfully submits that claims 23-26 are generic claims readable on the elected species of the two-dimensional array recited in claim 25 because the disclosed two-dimensional array is an array, as recited in claims 23-26. Accordingly, withdrawal of the restriction requirement is respectfully requested.

Applicant elects with traverse the oriented imprint cavities in Subgroup 5 as the elected species of imprint cavities for prosecution on the merits. Applicant respectfully submits that claims 1-27 are generic claims readable on the elected species of the oriented imprint cavities recited in claim 27 because the disclosed oriented imprint cavities are a type of imprint cavities as recited in claims 1-27. Accordingly, withdrawal of the restriction requirement is respectfully requested.

Having addressed all issues set out in the Restriction Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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